

► 267 East Main Street
Newark, DE 19711
www.connollygallagher.com

CONNOLLY
GALLAGHER LLP

Josiah R. Wolcott
TEL (302) 888-6271
EMAIL jwolcott@connollygallagher.com

August 5, 2021

Via PACER

The Honorable Stephanos Bibas
U.S. Court of Appeals
Third Circuit
21400 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: *Twin Spans Business Park, LLC and HDC, Inc. v. Cincinnati Insurance Company* C.A. No.: 1:19-cv-00476-SB-SRF

Dear Judge Bibas:

The parties write to provide a joint status update as required by the Court's Oral Order of July 29, 2021.

Trial in this matter is scheduled for the week of December 6, 2021 in Wilmington, Delaware, with courtroom details to be determined at a later date. A pretrial conference will take place on November 22, 2021 at 9:00 a.m. No other dates or deadlines have been set with regard to the trial.

The parties have continued settlement negotiations, but have been unable to reach a settlement. The parties do not believe that further mediation would be beneficial at this time. The parties continue to communicate and will advise the Court of any further developments in this area.

The parties have conferred about future dispositive motions. Plaintiffs have determined they will not file any dispositive motions prior to trial. Defendant has not yet determined whether it will seek to narrow the issues at trial through a partial dispositive motion. Defendant commits, however, to filing any dispositive motion no later than September 24, 2021 so that any issues raised can be resolved in advance of trial. Plaintiffs oppose any dispositive motion as untimely.

There is another matter about which Defendant has notified Plaintiffs' counsel and would like to notify the Court. Recently, lead counsel for Defendant, Robert Ciociola, retired from the practice of law. Other members of Defendant's trial team remain in place, but a substitute for Mr. Ciociola has not yet been finalized. Mr. Ciociola will maintain his appearance in this matter until a replacement is ready to file his or her appearance as lead attorney. Defendant does not

The Hon. Stephanos Bibas

August 5, 2021

Page 2 of 2

anticipate this roster change will have any impact on the dates proposed above or previously set by the Court.

Undersigned counsel is available at the convenience of the Court should Your Honor have any questions or concerns.

Respectfully submitted,

/s/ Josiah R. Wolcott

Josiah R. Wolcott

Del. Bar # 4796

cc: Daniel F. McAllister, Esq. (via Pacer)
Robert Ciociola, Esq. (via Pacer)
Laurence Tooth, Esq. (via Pacer)
Daniel G. Litchfield, Esq. (via Pacer)